



# Earth Negotiations Bulletin

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## CBD COP-4 HIGHLIGHTS THURSDAY 14 MAY, 1998

On the ninth and penultimate day of the Fourth Meeting of the Conference of the Parties (COP-4) to the Convention on Biological Diversity (CBD), delegates continued to meet in contact groups throughout the day. Working Group I (WG-I) reconvened in the afternoon and Working Group II (WG-II) reconvened in the evening to approve draft decisions.

### WORKING GROUP I

WG-I met in the afternoon to review a Friends of the Chair draft decision on agricultural biodiversity (UNEP/CBD/COP/4/WG.1/CRP.3). On threats of technology, known as "terminator technology," to biodiversity, AUSTRALIA, INDONESIA, MALAYSIA, the US, and CANADA supported deletion of the bracketed text referring to "terminator technology." RWANDA, PAKISTAN, BURKINA FASO and TANZANIA supported removing the brackets. Based on informal consultations between Parties, INDONESIA proposed a compromise "reiterating the precautionary approach," but deleting the bracketed text referring to terminator technology and replacing "threats" with "consequences." The decision was approved with the amendments and text on financial mechanisms remaining in brackets.

The draft decision and work programme on forest biological diversity was then reviewed (UNEP/CBD/COP/4/WG.1/CRP.4). One bracketed option for establishing an intersectoral body was deleted. The UK, on behalf of the EU, SWEDEN, INDONESIA and COLOMBIA supported a second option establishing an *ad hoc* expert group to meet prior/subsequent to SBSTTA meetings, which would elaborate the work programme, review its implementation, and advise SBSTTA and the COP on prioritization of activities. PERU alternatively supported establishing "an *ad hoc* working group" to facilitate and revise the work programme implementation, meet prior to SBSTTA, and provide input to SBSTTA and the COP. JAPAN warned about the cost of establishing a group. The two alternatives were left bracketed, pending discussion on the budget and the *modus operandi*.

The SEYCHELLES and others objected to prioritizing forest biodiversity over other thematic areas in a bracketed paragraph on GEF resources. Compromise text gives it "high" priority. The paragraph was left pending discussion in connection to financial resources. On potential impacts of various forest-related human activities and cooperation with the Secretariat of the UNFCCC, SOUTH AFRICA added "and other ecosystems" receiving such impacts. PAPUA NEW GUINEA deleted language on developing common priorities. BURKINA FASO and SENEGAL added references to the CCD. CAMEROON and others stressed arid and semi-arid regions and MALI called for attention to savannahs. Both of these were incorporated into the work programme.

Two paragraphs on cooperation with IFF were deleted by the EU, CANADA and PERU. AUSTRIA and PERU called for enhanced understanding of positive and negative human influences by "land use managers" and "all other relevant stakeholders" in addition to policy makers and scientists. The SEYCHELLES stressed enriching "indigenous" biodiversity in forest plantations. NEW ZEALAND called for limiting conservation to forests "other than plantation forests." She withdrew the suggestion on the understanding that New Zealand is free to treat its exotic pine plantations as industrial plantations, to be reflected in WG-I's report. MALI added "poverty" to a list of causes of biodiversity loss. The SEYCHELLES added "alien species," which CANADA qualified to "harmful." The SEYCHELLES, with MALI, qualified "uncontrolled" forest fires in the same list.

WG-I next considered a Friends of the Chair draft decision on Access and Benefit-sharing (UNEP/CBD/COP/4/WG.1/CRP.5). The G77/CHINA, COLOMBIA, KENYA, NORWAY, BURKINA FASO, INDIA and BOLIVIA supported text making access and benefit-sharing a "standing" item for the COP. BOLIVIA preferred "standing and a priority." NEW ZEALAND, the EU, the EC and SWITZERLAND favored "rotating" rather than "standing." The paragraph was approved with brackets. COLOMBIA stressed that benefit sharing should be wider in scope than just genetic resources.

The G77/CHINA, ETHIOPIA, RWANDA, INDIA and TURKEY advocated lifting brackets from a paragraph which states *ex situ* collections acquired prior to the CBD's entry into force be brought under the scope of the Convention. The EU said the issue is being addressed by the FAO and, along with the EC, JAPAN, SWEDEN and AUSTRALIA supported deleting the paragraph. ETHIOPIA expressed dismay at the EU's request, emphasizing that the FAO IU leaves out a lot of genetic resources. The text remained bracketed.

The G77/CHINA and other delegations supported an open-ended working group, while the EU called for an expert panel. The EU proposed the panel look only at genetic resources under the CBD, so as not to duplicate work under the FAO. As no consensus could be reached, the Chair nominated Norway to moderate an informal group of interested parties and the rest of the text was approved in brackets.

WG-I adopted the draft decision on Implementation of Article 8(j) and Related Provisions (UNEP/CBD/COP/4/WG.1/CRP.6), subject to deliberation on two bracketed paragraphs on funding and the timing of future SBSTTA meetings in the budget and *modus operandi* contact groups. BRAZIL reserved their position on the draft decision.

The Chair of the Article 8(j) contact group noted that, after the exclusion of local and indigenous community representatives at the request of one Party prior to negotiations, many Parties expressed regret. The Chair stressed that this process should not be taken as a precedent for the operation of any other contact or

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working group of the CBD or other UN process. An indigenous peoples' and local communities' representative, supported by applause, expressed his concern and disappointment about the perceived discrimination manifested by the Parties to the CBD, and cited numerous precedents of their participation in the UN system, as well as UN rules of procedure that provide guidance for participation.

### **WORKING GROUP II**

WG-II considered the draft decision on measures for implementing the convention. On impact assessment and minimizing adverse effects (UNEP/CBD/COP/4/WG.2/CRP.2), ETHIOPIA suggested replacement text, "Notes that this decision is without prejudice to the consideration of the issues of liability and redress in the negotiations of the Protocol on Biosafety," and with this modification the text was approved.

On a draft decision approved on public education and awareness (UNEP/CBD/4/WG.2/CRP.3) MARSHALL ISLANDS deleted text peripheral to a call for parties to propose projects on public education and awareness when requesting assistance through the financial mechanism.

On a draft decision approved on incentive measures (UNEP/CBD/4/WG.2/CRP.4) NEW ZEALAND widened the evaluation to include cultural and ethical factors in the development of incentive measures, and INDONESIA further added social factors. NEW ZEALAND limited a request for information on design and implementation of incentive measures in national reports to pertain only to "second" national reports. The draft decision was approved with text bracketed pending deliberations of other contact groups.

WG-II approved two draft decisions from the contact group on review of the effectiveness of the financial mechanism and additional financial resources, with one provision bracketed pending the outcome of the contact group on *modus operandi* (UNEP/CBD/COP/4/WG./CRP.1 and UNEP/CBD/COP/WG.2/CRP.5).

WG-II considered "Guidance to the Financial Mechanism," an informal compilation of recommendations to the GEF from debate in a sub-contact group of the contact group of the financial mechanism. A procedural issue concerning duplication of its deliberations in the forest biodiversity contact group and WG-I quickly escalated into a highly contentious debate. Introducing the document, the Chair of the contact group on the financial mechanism moved for deletion of paragraph 4 on the grounds that it had already been dealt with in another group. The EU and others objected strongly on the basis that it had been agreed that all guidance to the GEF would be considered in a single decision.

The EU threatened to bracket paragraphs relating to the financial mechanism in all other draft decisions. The Chair of WG-II sought to approve the decision with the bracketing of paragraph 4, but delegates from the contact group confirmed that the group consensus had been that the document should not be approved on this basis. The Chair ruled that she would report to the plenary that WG-II did not reach agreement and that the text therefore retained brackets around: the entire text; paragraph 4; and four relevant paragraphs bracketed in the draft decision from the forest contact group, which she proposed to substitute for the bracketed paragraph 4 as suggested by the Chair of the contact group on the financial mechanism. She stated her understandings that the Bureau had agreed that no relevant bracketed paragraphs could be changed substantively by the contact group on the financial mechanism and that the decision on forest biodiversity had already been agreed in its entirety.

The EU said it was not for the Bureau to decide how the COP conducts its proceedings, and that it would raise its grave concerns with her ruling in plenary. IRAN threatened to bracket decisions previously approved by WG-II if the EU bracketed any text.

The draft decision on national reports by Parties was presented and approved (UNEP/CBD/COP/4/WG.2/CRP.7). A draft decision on the review of the operations of the Convention with an addendum on the *modus operandi* of SBSTTA and an annex to the decision were presented for approval (UNEP/CBD/COP/4/WG.2/CRP.8 and UNEP/CBD/COP/4/WG.2/CRP.8/Add.1) and ANTIGUA AND BARBUDA requested that the documents be placed in brackets until issues related to financial mechanisms are resolved. The draft report on WG-II was also introduced and approved (UNEP/CBD/COP/4/WG.2/L.1).

### **CONTACT GROUPS**

While most contact groups had finalized their work on draft decisions, a few continued to meet throughout the day.

**Modus operandi:** On national reports, delegates discussed voluntary national report assessments and decided on a provision for assessment based on advice from SBSTTA, with a view to developing guidance for future reports. In an annex to the draft decision listing elements of guidelines for SBSTTA recommendations on the preparation of national reports, "possible specifications of questions to be answered" was deleted and "the possible use of nationally developed indicators" was moved to the guideline detailing information recommended for inclusion in national reports.

The group considered a revised draft decision generated by an informal drafting group on institutional matters and the work programme. Most delegates supported: a compromise decision to hold a three to five day open-ended meeting to improve preparations for and conduct of the COP; holding COP-5 in the second quarter of 2000; a two week COP; distribution of the provisional annotated agenda and available support documents six months prior to the COP; preparation of a handbook relating COP decisions; and review of the work programme in light of developments in implementation of the Convention.

Delegates postponed adoption of the SBSTTA *modus operandi* until the annex detailing it is agreed upon. Delegates also expressed difficulty in addressing programme assessment until the COP *modus operandi* is resolved.

On future COP agendas, delegations supported a proposal for the agenda structure which includes standing issues, key thematic issues, cross-cutting issues and CBD relations with other thematically relevant conventions. Several delegates stressed that thematic issues must be relevant to all Parties. Delegates proposed thematic topics, including, *inter alia*, protected area conservation, public awareness, arid and semi-arid ecosystems and forests. Suggested cross-cutting issues included, among others, IPR, access to genetic resources, benefit sharing and alien species. One delegation noted that biennial COPs could result in postponing consideration of important issues. Another delegate suggested that SBSTTA be responsible for follow-up on work programmes to streamline the COP's agenda.

### **IN THE CORRIDORS**

As the midnight hour approached, and it became increasingly difficult to see the forest through the trees, delegates passing each other en route from one Working Group to another exchanged bewildered glances and asked in vain "What is going on?" Responses offered summed up the evening as "pandemonium" and "chaos."

### **THINGS TO LOOK FOR TODAY**

**Plenary:** Plenary will convene at 10:00am in Hall C.

**In the Corridors:** The return of Klaus Töpfer, Executive Director of UNEP.